

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 15, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Major Poindexter.

Lisa Goldner of Bose McKinney and Evans, William E. Young, II, Jeff McKean and Marc Carmichael of IBA were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 1, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the May 15, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL82-21036 WAL-MART STORES EAST LP– Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law with the recommendation that the Commission overturn the original disapproval and approve this permit because the decision was not supported by substantial evidence.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and approve this permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred forty-two (242) renewals approved, one hundred (100) new and/or transfer permits approved, three (3) permits approved for catering, one (1) permit approved for first year escrow, eight (8) permits approved for second year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL06-23078 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR68-21761 JABO'S SPORTS BAR, LLC – Chairman Heath noted this is a type 210 transfer of location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL05-23124 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie noted the local board stated there is no need or desire in the community for the services and the permit would not be in the community's best interest.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL54-23104 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL54-23102 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL57-23122 GAS AMERICA SERVICES, INC. - Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL57-23121 GAS AMERICA SERVICES, INC. - Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL92-23129 GAS AMERICA SERVICES, INC. - Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make five (5) permits inactive. One (1) permit is subject to auction and four (4) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER